

ORDINANCE NO. 2004-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ENACTING A FOUR-MONTH MORATORIUM BY LEON COUNTY ON THE APPROVAL OF ANY DEVELOPMENT ORDER APPLICATIONS OR SITE AND DEVELOPMENT PLAN APPLICATIONS FOR SINGLE-FAMILY RESIDENTIAL STRUCTURES ON PROPERTY ZONED RESIDENTIAL, WHICH IS SUBJECT TO FLOODING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Leon County finds that particular lots zoned residential are subject to flooding and the development of these lots with single-family residential units has the potential to create a significant adverse impact on the health, safety, and welfare of the residents of Leon County; and

WHEREAS, the County has already purchased several lots on property zoned residential subject to flooding in order to create more time to study and implement appropriate restrictions for further development of these lots, while simultaneously protecting the public health, safety, and welfare in purchasing flood-prone property; and

WHEREAS, single-family residential structures built on these lots, which are subject to flooding, will be entirely surrounded by floodwaters during significant rainfall events, which has the likelihood of harming the health, safety, and welfare of the residents of Leon County; and

WHEREAS, the Board of County Commissioners believes that a short-term suspension of the issuance of permits and development order approvals for such

identified property, while the County gathers information for the study, deliberation, and enactment of all appropriate regulations is in the County's best interest; and

WHEREAS, the safety and welfare of the citizens of Leon County demand that deliberate consideration be made concerning the enactment of more stringent requirements on developed property subject to flooding to protect against stormwater quality and quantity debilitating factors; and

WHEREAS, the Board of County Commissioners of Leon County, Florida, hereby finds and declares it necessary and required that a temporary moratorium be imposed upon the issuance of any development orders or site and development plan approvals from September 14, 2004, through January 14, 2005, to allow sufficient time for the study and enactment of all appropriate regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. There is hereby enacted and imposed a temporary moratorium prohibiting the approval of any applications for and the issuance of any further permits, development orders or site and development plan approvals by Leon County for any such applications, which are not complete and on file, having been received by Leon County on or before September 14, 2004, for any and all development of single-family residential structures on property subject to flooding. This moratorium on the issuance of permits, development orders, and site and development plan approvals, shall continue through 11:59 p.m. local time on January 14, 2005, unless dissolved by the County on an earlier date. The term "subject to flooding" as used in this Ordinance shall mean: The actual prior occurrence or by hydrologic or hydraulic

simulation, establishing that a structure is at risk of having its finished floor inundated with water during a 25 year or smaller storm event.

Section 2. The Board of County Commissioners of Leon County, Florida, finds that a temporary moratorium is in the best interests of the citizens and residents of Leon County and shall serve to protect the safety, health, and welfare of said citizens and residents to allow the necessary research, fact gathering, and deliberative time for the consideration, and potential enactment of, regulations concerning stormwater quality and quantity within the unincorporated area of Leon County.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is not aligned, either in whole or in part, with the mentioned Comprehensive Plan.

Section 4. **Severability.** If any word, phrase, clause, section, or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. **Effective Date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of
Leon County, Florida, this ____ day of _____, 2004.

LEON COUNTY, FLORIDA

By: _____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTESTED BY:
Bob Inzer, Clerk of the Court

By: _____
Clerk

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W.A. Thiele, Esq.
County Attorney